

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG 25 2000

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO.
ST. LOUIS

VALERIE AUSTIN,

Plaintiff(s),

vs.

JASON T. SCHROEDER,

Defendant(s).

Case No. 4:00CV01122 ERW

CASE MANAGEMENT ORDER - TRACK 2: STANDARD

Pursuant to the Civil Justice Reform Act Expense and Delay Reduction Plan and the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri, and the Rule 16 Conference held on **August 25, 2000**,

IT IS HEREBY ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

I. SCHEDULING PLAN

1. This case has been assigned to Track 2 (Standard).
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **December 1, 2000**.
3. Disclosure shall proceed in the following manner:
 - (a) The parties shall make all disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than **October 30, 2000**.
 - (b) Plaintiff shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **January 2, 2001**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **February 15, 2001**.
 - (c) Defendant shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than **March 15, 2001**, and shall make expert witnesses available for depositions, and have depositions completed, no later than **April 16, 2001**.

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- (d) The presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A), Fed.R.Civ.P., and twenty-five (25) interrogatories per party as set forth in Rule 33(a), Fed.R.Civ.P., shall apply.
 - (e) Requests for physical or mental examinations of parties pursuant to Rule 35, Fed.R.Civ.P., must be made no later than April 16, 2001, and any exam must be completed by June 15, 2001.
 - (f) The parties shall complete all discovery in this case no later than June 29, 2001.
 - (g) Motions to compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.
- 4. This case will not be referred to alternative dispute resolution at this time; however, either party may request that this case be referred to alternative dispute resolution at a later date.
 - 5. A notice of motion pursuant to E.D.Mo. L.R. 4.05 as to any motions to dismiss, motions for summary judgment or motions for judgment on the pleadings must be filed no later than July 2, 2001. The completed motion package in this case shall be filed no later than August 13, 2001.
 - 6. The final pretrial conference will be held on September 28, 2001, at 9:30 a.m. This conference will be held in the chambers of Judge E. Richard Webber.

II. ORDER RELATING TO TRIAL

This action is set for a JURY trial on October 1, 2001, at 8:30 a.m. This is a three week docket.

Pursuant to Local Rule 8.04 the court may tax against one or all parties the per diem, mileage, and other expenses of providing a jury for the parties, when the case is terminated or settled by the parties at a time too late to cancel the jury attendance or to use the summoned jurors in another trial, unless good cause for the delayed termination or settlement is shown.

In this case, unless otherwise ordered by the Court, the attorneys shall, not less than twenty (20) days prior to the date set for trial:

- 1. **Stipulation:** Meet and jointly prepare and file with the Clerk a JOINT Stipulation of all uncontested facts, which may be read into evidence subject to any objections of any party set forth in said stipulation (including a brief summary of the case which may be used on Voir Dire).

2. Witnesses:

- (a) Deliver to opposing counsel, and to the Clerk, a list of all proposed witnesses, identifying those witnesses who will be called to testify and those who may be called.
- (b) Except for good cause shown, no party will be permitted to call any witnesses not listed in compliance with this Order.

3. Exhibits:

- (a) Mark for identification all exhibits to be offered in evidence at the trial (Plaintiffs shall mark exhibits P-1, P-2, P-3, etc. Defendants shall mark exhibits D-1, D-2, D-3, etc.) and deliver to opposing counsel and to the Clerk a list of such exhibits, identifying those that will be introduced into evidence and those that may be introduced.
- (b) Submit said exhibits or true copies thereof to opposing counsel for examination. Prior to trial, the parties are expected to confer in advance and stipulate as to admission of all exhibits, unless either party intends at trial to advance a lawful argument in opposition to admission of an exhibit.
- (c) All written exhibits, exceeding one page, in documentary form to be offered in evidence that will be shown to the jury must be accompanied by an exact duplicate for each juror. No exhibit shall be shown to the jury in opening statements or at any other time until it is received in evidence or the Court has granted permission for the exhibit to be shown to the jury.
- (d) Except for good cause shown, no party will be permitted to offer any exhibits not identified or not submitted by said party for examination by opposing counsel in compliance with this Order. Any objections not made in writing at least ten (10) days prior to trial may be considered waived.

4. Depositions, Interrogatory Answers, and Request for Admissions:

- (a) Deliver to opposing counsel and to the Clerk a list of all interrogatory answers or parts thereof and depositions or parts thereof (identified by page and line numbers), and answers to requests for admissions proposed to be offered in evidence. At least ten (10) days before trial, opposing counsel shall state in writing any objections to such testimony and shall identify any additional portions of such depositions not listed by the offering party which opposing counsel proposes to offer.
- (b) Except for good cause shown, no party will be permitted to offer any interrogatory answer, or deposition or part thereof, or answer to a request for

admissions not listed in compliance with this Order. Any objections not made as above required may be considered waived.

5. **Instructions:**

- (a) Submit to the Court and to opposing counsel their written request for instructions and forms of verdicts reserving the right to submit requests for additional or modified instructions at least ten (10) days before trial in light of opposing party's requests for instructions. (Each request must be supported by at least one pertinent citation.)
- (b) Eighth Circuit Jury Instructions will be used in all cases if available. If instructions from any other source are proffered, they must be accompanied by case authority.
- (c) Parties shall submit a "clean" copy and three "dirty" copies of each instruction proffered. A "clean" copy for the jury will reflect only "Instruction No. ____" at the top with no further explanatory comments at the top or bottom of the page.

6. **Trial Brief:** Submit to the Court and opposing counsel a trial brief stating the legal and factual issues and authorities relied on and discussing any anticipated substantive or procedural problems.

7. **Motions In Limine:** File all motions in limine to exclude evidence, and submit a courtesy copy directly to the Court's chambers, at least ten (10) days before trial.

Failure to comply with any part of this order may result in the imposition of sanctions.

Dated this 25th day of August, 2000.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT -- EASTERN MISSOURI
INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE
FOLLOWING INDIVIDUALS ON 08/25/00 by bkirklan

4:00cv1122 Austin vs Schroeder

28:1441 Petition for Removal- Tort/Motor Vehicle (P.I.)

Vincent Banks - 97735
David Butsch - 2760

Fax: 314-721-6045
Fax: 314-862-1606

SCANNED & FAXED BY:

AUG 25 2000

C. L. F.